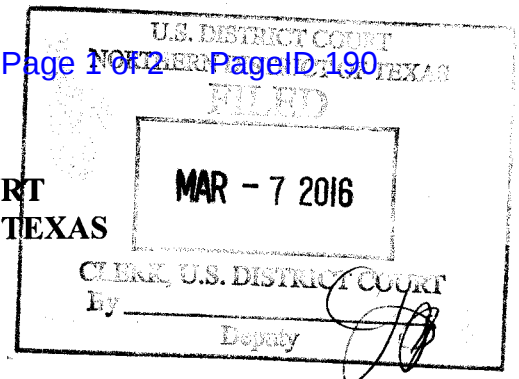


**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**



UNITED STATES OF AMERICA

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v.

No. 3:15-CR-431-K

MAN KHAC NGUYEN

Defendant

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Psychological Evaluation from the Bureau of Prisons for Defendant Man Khac Nguyen. Psychiatric Report [D.E. 80]. The District Court referred this case to the undersigned to hold a competency hearing for Defendant and to provide findings and recommendations pursuant to 28 U.S.C. § 636(b). *See* Order of Reference [D.E. 91].

A hearing was held on Defendant's Competency on March 7, 2016 in the United States Magistrate Judge's Courtroom. Neither side raise any objections to the report or presented contrary evidence. Both sides moved for the Court to accept and follow the report's recommendation that Defendant Nguyen be remanded to a federal medical center for an attempt at competency restoration pursuant to 18 U.S.C. § 4241(d). *See* Psychiatric Report [D.E. 80]. Defendant's counsel further moved, without objection, for Defendant to be placed in a facility located in Texas, to better facilitate interaction between Defendant and his family.

Therefore, based on the report, the Court "finds by a preponderance of the evidence that defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." *See* 18 U.S.C. § 4241(d).

RECOMMENDATION

For the above-stated reasons, the undersigned recommends that the District Court should adopt the findings in the Psychiatric Report and order that Defendant Nguyen be sent to a federal medical center for an attempt at competency restoration pursuant to 18 U.S.C. § 4241(d). The undersigned further recommends that Defendant be placed in a facility located in Texas.

SO RECOMMENDED, March 7, 2016.


PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

INSTRUCTIONS FOR SERVICE AND NOTICE OF RIGHT TO APPEAL/OBJECT

The United States District Clerk shall serve a true copy of these findings, conclusions, and recommendation on the parties. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings, conclusions, and recommendation must serve and file written objections within fourteen days after being served with a copy. A party filing objections must specifically identify those findings, conclusions, or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory, or general objections. A party's failure to file such written objections to these proposed findings, conclusions, and recommendation shall bar that party from a de novo determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the proposed findings, conclusions, and recommendation within fourteen days after being served with a copy shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).